

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2731 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- MEHANDIA District- Jehanabad

Shashi Bhushan Rai @ Bhushan Rai, Son of Ramsihasan Rai Resident of
Village- Pahleja, P.S.- Mehandia, District- Arwal

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Dubey
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 09-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.05.2019 passed by the learned 1st Additional Sessions Judge, Jehanabad in connection with Mehandiya P.S. Case No. 5 of 2019 registered under Sections 323, 341, 379 and 504/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the complainant along with his son and others was proceeding to purchase she-buffalo six motorcycle



borne criminals including the appellant intercepted them and appellant and his son, namely, Rahul Kumar slated him in the name of his caste and also snatched Rs.30,000/- and assaulted them by legs and fists.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The occurrence is said to be held of 10.12.2017 but the complaint petition has been filed by an inordinate delay of one month on 12.01.2018 and without assigning any plausible explanation for the same.

Learned Special P.P. for the State opposing the prayer for bail submitted that the appellant along with his son Rahul Kumar have slated the complainant in the name of his caste in the public view, hence anticipatory bail is barred under SC/ST Act. Hence, the appellant does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected. However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court



below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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